

U.S. Patent Application No. 10/052,900
Attorney Docket No. 1011/1

REMARKS

This amendment responds to the Office Action mailed April 6, 2005. Claims 1-11 were pending. Claim 2 has been amended to recite statutory subject matter. Claims 6, 8 and 10 have been amended to correct certain informalities. FIGs. 2, 5, 8, 9 and 10 have been amended to match the reference numbers to the specification, which in turn has been amended to match the drawings. The specification has been amended to recite the provisional filing, of which the present case claims the benefit.

Information Disclosure Statement

The Examiner identified three documents entitled "Global Product and Service Supply Agreement," "Netprovisioning Service Agreement" and "Agreement Between Worldspan Services Limited and Globalserve Computer Services Limited." The Examiner indicated these documents were made of record and appear to have been intended to be considered as part of an Information Disclosure Statement (IDS), but the Examiner has not considered them as such.

These three documents were actually part of the specification, as they are examples of the pre-established contracts referred to in the specification and identified in FIG 1 as element 107. These same contracts were included in the provisional filing as well.

Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character "530" has been used to designate both "informative text" and "available spending amount." FIG 5 has been amended to replace the reference character "530" that refers to "available spending amount" with the reference character "529." The specification has been amended accordingly. No new matter has been added.

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The Examiner also objected to the drawings because reference character "830" has been used to designate both "informative text" and "display field for dynamic element." FIG 8 has been amended to replace the reference character "830" that refers to "display field for dynamic element" with the reference character "850." The specification has been amended accordingly. No new matter has been added.

The Examiner also objected to the drawings because "they do not include the following reference sign(s) mentioned in the description: 560, and 1494." The Applicant has reviewed the specification and cannot find these reference signs (560, 1494) in the specification, but has located them in FIG. 5 and FIG. 14, respectively. Therefore, the Applicant will assume the Examiner's objection is based on the fact that these reference signs are NOT mentioned in the specification, but ARE shown in the drawings. The Applicant has amended paragraphs [0110] and [0142], respectively, to add the reference signs 560, and 1494 to the specification. No new matter has been added.

The Examiner also objected to the drawings because they include the following reference character(s) not mentioned in the description: 210, 220, 230, 240, 810, 815, 816, 830, 860, 826, 828, 890, 910, 920, 1020 and 1030. The Applicant has reviewed the specification and found the each of the above reference signs at the cited paragraph in the specification: 210 [0086], 220 [0086], 230 [0088], 240 [0088], 810 [0125], 815 [0125], 816 [0125], 830 [0125], 860 [0125], 826 [0125], 828 [0125], 890 [0128], 910 [0129], 920 [0129], 1020 [0130] and 1030 [0130], but notes they are not shown in the drawings. Therefore, the Applicant will assume the Examiner's objection is based on the fact that these reference characters ARE mentioned in the specification, but are NOT shown in the drawings. The Applicant has amended FIGs. 2, 8, 9 and 10 to add the

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reference characters 210, 220, 230, 240, 810, 815, 816, 830, 860, 826, 828, 890, 910, 920, 1020 and 1030 to the drawings to match the specification. No new matter has been added.

Therefore, the Applicant respectfully requests reconsideration of the objection to the drawings.

Title

The Examiner has suggested a new title – A System and Method for Facilitating Electronic Procurement Based on Negotiated Contracts. The Applicant has amended the title in accordance with the Examiner's suggestion.

Claim Objections

The Examiner objected to claims 6, 8 and 10 due to certain informalities. The Applicant has amended these claims in accordance with the Examiner's remarks. Reconsideration and withdrawal of the objection to these claims is respectfully requested.

Claim 2 Recites Statutory Subject Matter

The Examiner rejected claim 2 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Applicant has amended claim 2 in accordance with the Examiner's remarks. Reconsideration and withdrawal of the rejection of this claim is respectfully requested.

Claims 1-11 Are Patentable Over Hare et al.

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 6,850,900 to Hare et al. [hereinafter Hare et al.']. The Examiner contends that Hare et al. discloses all of the elements recited in the claims at issue.

The Applicant notes that Hare et al. was filed on June 19, 2000, which is its effective date under 35 U.S.C. § 102(e). The Applicant has submitted two affidavits under 37 C.F.R. § 1.131

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of prior invention by the owner of the Application showing actual reduction to practice prior to the effective date of Hare et al., which is June 19, 2000. Therefore, Hare et al. is not prior art under 35 U.S.C. § 102(e), and reconsideration and withdrawal of the rejection of claims 1-11 based on Hare et al. is respectfully requested.

CONCLUSION

The Applicant respectfully submits this application is in condition for allowance and requests issuance of a Notice of Allowance.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to the deposit account of MICHAEL P FORTKORT PC, Deposit Account No. 50-3776.

In the event the prosecution of this Application can be efficiently advanced by a phone discussion, it is requested that the undersigned attorney be called at (703) 435-9390.

Respectfully submitted,

By 
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Date: August 21, 2007

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